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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,761	03/24/2004	Daniel R. Coward	SUNMP324 / P9667	5906

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EXAMINER
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HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,761	<b>Applicant(s)</b> COWARD ET AL.	
	<b>Examiner</b> Nam Huynh	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11/7/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-17 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 and 22-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on 11/7/2006. Of the pending claims 9-17 and 22-33, none were amended.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between the ranker filter, the renderer, and the user action proxy.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 9-13, 16, 17, 22-27, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravisto et al. (US 2004/0075675) (hereinafter referred to as "Ravisto") in view of Foldare et al. (US 6,249,815) (hereinafter referred to as "Foldare"), and in further view of Banavar et al. (US 2003/0187984) (hereinafter referred to as "Banavar").

A. Regarding claims 9, 22, 24, Foldare discloses a service optimizer that establishes an initial subscriber profile relating to a subscriber and uses service data within the subscriber profile to administer a service for the subscriber (abstract). In the scope of the invention, the service optimizer stores in memory (user information system), subscriber profiles that include subscriber personal data, subscriber service data, and subscriber use data (column 3, lines 11-13, column 6, lines 47-50). The subscriber service data includes data on the types of services that are available to the user (figure 7). The subscriber use data indicates the subscriber's use and time of use (predefined period of time) of the subscribed to services (figure 7). Based on analysis of subscriber use data (user profile information), which is indicative of the subscriber's future use (predicts a set of services), the service optimizer formulates alternative service data (column 7, lines 40-60). As can be seen in figure 9, which is an illustration of alternative service data, the data fields comprise of services and their predefined times.

Ravisto et al. discloses an apparatus and method for accessing services via a mobile terminal (title). In the scope of the invention, a service panel (renderer) presents

a list or other selectable group of services to the end user, which may include context-sensitive services dependent on the end user's location, time of day, etc. (page 4, paragraph 35). Context may include personal profile (page 7, paragraph 59). However, Ravisto et al. does not explicitly disclose the storing of the personal profile, storing service description data describing a plurality of services to the user, and predicting a set of services that the user is expected to utilize within a predefined period of time based on the user profile information. Foldare discloses a service optimizer that establishes an initial subscriber profile relating to a subscriber and uses service data within the subscriber profile to administer a service for the subscriber (abstract). In the scope of the invention, the service optimizer stores in memory (user information system), subscriber profiles that include subscriber personal data, subscriber service data, and subscriber use data (column 3, lines 11-13, column 6, lines 47-50). The subscriber service data includes data on the types of services that are available to the user (figure 7). The subscriber use data indicates the subscriber's use and time of use (predefined period of time) of the subscribed to services (figure 7). Based on analysis of subscriber use data (user profile information), which is indicative of the subscriber's future use (predicts a set of services), the service optimizer formulates alternative service data (column 7, lines 40-60). As can be seen in figure 9, which is an illustration of alternative service data, the data fields comprise of services and their predefined times. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Ravisto, to include a service optimizer and the subscriber profile of Foldare, in order to allow a subscriber to

optimize the use of services by analyzing the subscriber profile to recommend/automatically implement services to display for selection.

The combination of Ravisto and Foldare does not explicitly disclose a user action proxy that detects user actions and monitors each service subscribed to by the user for a pattern common to at least two services. Banavar discloses a method of pre-fetching and preparing content (services) in an information processing system (page 2, paragraph 16). In the scope of the invention, an access monitor intercepts all requests made by a user for content and stores information in an access record table. A context collector, tracks contextual information such as user location and user calendar entries. The combination of the access monitor and context collector renders the "user action proxy". A correlator utilizes the information stored in the access record table and the information on user context history stored in a context history table to generate access patterns (pages 4-5, paragraph 59). An access pattern may be considered accesses to two content groups that occur close to each other in a timeline (pattern common to at least two services) (page 9, paragraph 107). Therefore it would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ravisto and Foldare, to include storing user actions and correlating them, as taught by Banavar, in order to increase responsiveness of access to pervasive applications by predicting future information access needs.

B. Regarding claims 10, 23, Foldare discloses that the subscriber use data indicates the subscriber's use and time of use of the subscribed to services (figure 7).

C. Regarding claims 11, 25, Foldare discloses subscriber personal data (figure 5).

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D. Regarding claims 12, 26, Ravisto discloses that the service panel may comprise any user interface (page 4, paragraph 42).

E. Regarding claims 13, 27 Ravisto discloses how the services can be represented on the service panel (page 4, paragraph 40).

F. Regarding claim 16, Foldare shows the presentation of alternative service data to the subscriber, which includes subscriber use data (figure 15).

G. Regarding claim 17, Ravisto discloses a provisioning center (front end system) that provides an entry into the system (figure 5, item 512).

H. Regarding claims 30-32, the limitations are rejected as applied to claims 1 and 12.

6. Claims 14-15, 28-29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravisto et al. (US 2004/0075675) (hereinafter referred to as "Ravisto"), Foldare et al. (US 6,249,815) (hereinafter referred to as "Foldare"), and Banavar et al. (US 2003/0187984) (hereinafter referred to as "Banavar"), as applied to claims 1, 22, and 30 above, and further in view of Fano et al. (US 2002/0133545).

The combination of Ravisto, Foldare, and Banavar disclose the limitations set forth in claims 1, 22, and 30, but does not explicitly disclose that data defining how the plurality of services can be aggregated and are accessible to a user in a pooled form. Fano et al. discloses a mobile valet that when utilized in accordance with the invention, can coordinate the delivery of services to create of what is referred to as a "symphonic experience" or "pooled experience". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of

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Ravisto, Foldare, and Banavar, to include the capability to "pool" services together, in order to enhance the richness of the user's experience to accomplish tasks or utilize available services.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 9-17 and 22-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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NTH

1/11/07

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER